

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:21-cv-205-MOC-DCK**

CONSTANCE L. JOHNSON,

Plaintiff,

vs.

ANDREW CUOMO, et al.,

Defendants.

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**ORDER**

**THIS MATTER** is before the Court *sua sponte*.

Plaintiff, proceeding *pro se*, filed this civil rights action on May 4, 2021. (Doc. No. 1). Plaintiff failed to pay the filing fee or file an Application to proceed *in forma pauperis*. On May 5, 2021, the Court entered a Notice of Deficiency requiring the Plaintiff to either pay the filing fee or file an amended Application within 21 days. (Doc. No. 2). Plaintiff was cautioned that the failure to timely comply with the Order may result in the dismissal of this action without prejudice for failure to prosecute. (Id. at 1).

Plaintiff has not paid the filing fee or filed an amended Application and the time to do so has now expired. Therefore, this action will be dismissed without prejudice. Fed. R. Civ. P. 41(b) (“If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it.”); Link v. Wabash R.R. Co., 370 U.S. 626, 631-33 (1962) (although Rule 41(b) does not expressly provide for *sua sponte* dismissal, a district court has the inherent power to dismiss a case for lack of prosecution or violation of a court order).

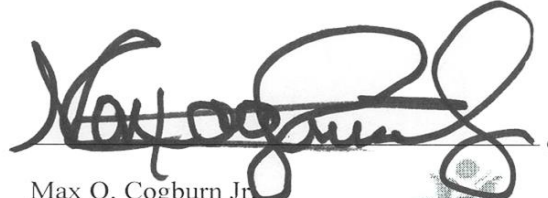
**IT IS, THEREFORE, ORDERED that:**

1. This action is **DISMISSED** without prejudice for Plaintiffs’ failure to comply with

the Court's May 5, 2021 Notice of Deficiency.

2. The Clerk of this Court is directed to close this case.

Signed: July 27, 2021



Max O. Cogburn Jr.  
United States District Judge